

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**ANTONIO GALLEGOS, KRISTIAN PETTINE,
ANDRE GALLEGOS, and KOLBY L. PETTINE
LONDONO, a minor child,**

Plaintiffs,

vs.

No. CV-12-00224 LH-KBM

**CITY OF ESPAÑOLA, a municipal corporation,
JOE MARTINEZ, individually and in his individual capacity,
JEREMY APODACA, individually and in his individual capacity,
ROBERT VIGIL, individually and in his individual capacity,
CITY OF ESPAÑOLA OFFICERS and SUPERVISORS
JOHN DOES 1 through 10, individually and in their individual capacities,
CAMILLE SCARCELLA, individually and in her individual capacity,
STATE OF NEW MEXICO, CYFD, EMPLOYEES and SUPERVISORS
JOHN DOES 1 through 10, individually,**

Defendants.

STIPULATED CONFIDENTIALITY ORDER

This matter having come before the Court upon the motion of Defendant Camille Scarcella for entry of a Confidentiality Order and all parties who have entered their appearance consenting thereto,

THIS COURT FINDS THAT Children Youth and Families Department abuse and neglect records concerning children are confidential records pursuant to §32A-4-33 N.M.S.A. 1978. All counsel have a legitimate interest in the records identified below as provided in §32A-4-33(16) N.M.S.A. 1978 and shall be entitled to receive copies of said records except as provided herein;

IT IS THEREFORE ORDERED that CYFD provide to counsel copies of CYFD 1-75, 77-79, 81-222, 300-446, except for any documents to which CYFD asserts a privilege. CYFD may redact confidential information such as date of birth or social security numbers. If CYFD asserts a claim of privilege, CYFD shall provide a privilege log for any documents withheld.

IT IS FURTHER ORDERED that since the produced records contain confidential information, all counsel shall keep said records confidential. Records produced pursuant to this order shall be destroyed or returned to CYFD for destruction at the conclusion of this case. Confidential documents may not be disclosed to third parties except to experts who shall also be subject to this order and shall maintain confidentiality.

Nothing herein limits any party from requesting additional documents or from contesting CYFD's determination of documents to be withheld. Any further CYFD records requested from CYFD and produced by agreement of counsel, stipulation or order of this Court shall be subject to this Confidentiality Order unless otherwise provided.

CYFD is not a party to this case but has approved this Order and consents to this Order. CYFD's consent is not an entry of appearance in this case but the consent of a non-party.


KAREN B. MOLZEN
UNITED STATES CHIEF MAGISTRATE JUDGE

Submitted by:

/s/Timothy V. Flynn-O'Brien
Timothy V. Flynn-O'Brien

Attorney for Defendant Camille Scarcella

Approved:

Electronically approved 11/08/2013

Nathaniel V. Thompkins
New Mexico Firm, LLC

Attorney for Plaintiffs

Electronically approved 11/07/2013

Mark A. Basham
Basham & Basham, PC

*Attorney for Defendants City of Española, Joe
Martinez, Jeremy Apodaca and Robert Vigil*

Electronically approved 11/07/2013

Jennifer Saavedra, General Counsel
New Mexico Children Youth and Families Dept.

Attorney for Non-Party CYFD